

Fair and cool today; tomorrow fair and warmer, with light to fresh north to east winds.

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## FLAWS REPORTED IN PANAMA CANAL COMPANY'S CONCESSION

Defects Render Conclusion of Sale of the Property to the United States a Matter of Doubt.

### DID NOT MEET REQUIREMENTS

No Approval of Franchise Extension by Colombian Congress.

### ACTION REQUIRED BY LAW

Terms of Agreement, It Is Declared, Were Violated, Involving Ownership—Insurgents Serve Notice on Directors That They Will Repudiate Extension of Original Grant.

PARIS, Sept. 13.—Certain defects in the Panama Canal Company's title to the concession have been brought to light, which render the conclusion of the sale of the company's rights and property to the United States doubtful.

The original concession was first extended by the Colombian government in 1898. It was then further extended by the executive of the government for six years more. The terms of the original concession required that any extension, to be valid, must have the approval of congress.

### Not Approved by Congress

The last extension has not received the approval of the Colombian congress. The Panama Company has not revealed this fact to the American government.

Furthermore, it has concealed the following, which, in view of the insurance now proceeding, has an important bearing on the situation:

The Colombian rebels not long ago sent an envoy to the directors of the Panama Canal Company to notify them that if they (the rebels) succeeded in obtaining control of the country, they would repudiate the extension granted in 1898 by the de facto government. The directors of the Panama Company, not knowing his mission, received the envoy of the rebels politely, until they learned what his mission was. Then they refused to accept the notice.

### Notice Sent by Mail

It was therefore sent to them by registered letter, and steps were taken to ascertain that it was duly delivered.

Knowledge of these facts is now in the possession of Attorney General Knox and Mr. Russell, of the Department of Justice, and they have doubtless been communicated to the Government at Washington.

Minister Herrera, of Colombia, when told last night of the report from Paris, in regard to the title of the Panama Company, declared that the Colombian rebels were responsible for the charges that defects exist in the Panama Company's title to Colombian concessions.

He admitted that the extension of the original concession was not approved by the Colombian congress, but explained the circumstance as follows:

"The extension was granted when the country was practically under martial law. It was granted by the president of Colombia, and signed by him and his cabinet. It was not necessary for congress to approve the extension, as a provision in our constitution gives the president the right to act in all matters for the government, when the country is under martial law."

### Right Unquestionable

"The Panama Company has unquestionable right for a period of at least two years more. The insurgents do not claim that the concession is not legal, but they do claim that they can repudiate the extension. No matter what the insurgents make as to the extension they can not dispute the right of the Panama Canal Company to dispose of their property as they wish before the expiration of their title, two years hence."

Mr. Herrera explained that the Colombian government is ready to execute an agreement with the United States Government extending the period of concession beyond the date when it will expire under the present extension.

### Government to Act

He insisted that the Colombian insurgents are trying to do everything they can to defeat the sale of the Panama Company to the United States, but expressed the belief that they will not succeed, as reports from Colombia indicate that the government is preparing for a decisive move on the isthmus that will put an end to the revolution.

### French Court's Curious Action

PARIS, Sept. 13.—The court at Breast has acquitted a locksmith of the name of Groe of a charge of insulting public functionaries. He was found guilty, however, of throwing fifth at them, and on this charge was fined 100 francs, with a benefit which practically lets him go scot free.

### Two Statues of Frederick

BERLIN, Sept. 13.—Two statues of Frederick the Great are going to the United States. One copy of Shadow's work goes to the German museum at Harvard, and the other, from the Sieges Allee, in Berlin, goes to Washington.

### Baldwin Starts for New York

COPENHAGEN, Sept. 13.—Evelyn Baldwin, the explorer, has left for New York in compliance with Mr. Ziegler's request to see him personally in reference to the North Pole expedition.

## RUSSIAN DOWAGER SAID TO HEAD A CONSPIRACY

Aged Empress, Report States, Involved in Intrigue in Behalf of Grand Duke Michael.

LONDON, Sept. 14.—The Paris correspondent of the "Observer" says he learned from a personage just arrived from St. Petersburg, who is specially well informed, that there is a big party intrigue in the imperial circle against the Czar and Zarina, which is headed by none other than the Empress Dowager herself.

This party does not conceal the satisfaction it would feel if the Czar abdicated in favor of the Grand Duke Michael. This feeling has greatly increased since the hopes of an heir have apparently gone forever.

MR. CROCKER STILL IN A SERIOUS CONDITION

Physicians Refuse to Declare the California Capitalist Out of Danger.

LONDON, Sept. 13.—George Crocker, the California capitalist, who has been suffering from blood poisoning caused by an ulcerated tooth, and who has been very ill at his home in Chesam Place, was better today. The doctors cannot pronounce him out of danger as yet, although they are very hopeful as to the outcome.

Mrs. Crocker, who underwent an operation, and who has been seriously ill, is doing well.

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## FIFTY BODIES TAKEN FROM WRECK IN INDIA

Madras-Bombay Mail Train Plunged From Bridge Into Flooded River.

LONDON, Sept. 14.—A news agency dispatch from Madras, British India, says that while the Madras-Bombay mail train was crossing a bridge near Mangapattinam on Friday the flooded river caused the bridge to collapse and the train fell into the water.

Many lives were lost. Fifty bodies have been recovered, including those of eight Europeans.

Many others were injured.

## A PATH TO FREEDOM LEFT OPEN TO WILCOX

Slayer of Ella Cropsey Could Have Escaped.

Convicted Murderer Refused to Follow Negro Who Flew From the Jail.

ELIZABETH CITY, N. C., Sept. 13.—Last night a negro youth escaped from the county jail and left the way clear for James Wilcox, the convicted murderer of Ella Cropsey, to get away. This morning when the sheriff and others visited the jail to discover the negro's means of escape, Wilcox said that he could have escaped in the same manner, and to prove his assertions he went through the process of making his escape in the presence of the few who were present.

When the water works were installed in the jail a bar was removed to make room for a pipe. The negro removed this pipe, thus leaving an exit for every prisoner in jail. Wilcox said:

"If I had wanted to get out, the way was clear."

Among the representatives of all the big coal companies and of the Citizens' Alliance, on the other hand, there was a decided stir. Reports had been coming in from all directions that preparations were under way for a concerted outbreak of violence all along the line on Monday morning. This had come to the ears not only of the local managers of the coal companies, but to those of Mr. Cassidy as well. Mr. Cassidy being the active leader of the Citizens' Alliance, in the absence of J. Ridgeway Wright, there was conference. Between Mr. Cassidy and representatives of the companies whose employees and properties, according to persistent reports, were threatened.

An official of the Delaware, Lackawanna and Western Company said today that reports of the intended marching raids by strikers on Monday had come to him. He said that if the reports in the meantime continued of the same complexion as those received today, the sheriff would be notified tomorrow of the situation, and formally called upon to furnish a sufficient force of deputies to maintain peace.

The strike with the beginning of this coming week, undoubtedly enters upon a new and critical phase. Either it is to end under some agreement patched up

(Continued on Twelfth Page.)

## PRESIDENT TO RECEIVE NEW YORK'S APPROVAL

Conference of Republican Leaders Decides on This Course.

NEW YORK, Sept. 13.—One of the most important Republican conferences in many years took place at the home of the Hon. George R. Sheldon, 24 East Thirty-eighth Street, this afternoon. Senator Platt, in his desire for victory in the State this fall, had sent out invitations to leading Republicans in the State from Brooklyn Bridge to Suspension Bridge to come here and discuss affairs of moment which must be finally decided by the Republican State convention at Saratoga, beginning Tuesday week.

The conference began at 2 o'clock, and besides Mr. Platt and Mr. Sheldon, those present were: Senator Chauncey Depew, Surveyor of the Port Clarkson, Postmaster Van Cott, Col. George W. Dunn, chairman of the Republican State committee; Lieutenant Governor Woodruff, Representatives Payne, Sherman, Wadsworth, Ray, and other leaders.

Senator Platt had called together these Republicans for the purpose of discussing the platform which will be finally accepted by the committee on resolutions of the Saratoga convention. There were many preliminary matters to be gone over, and it may be said that the three subjects discussed at the conference in Mr. Sheldon's house this afternoon were these:

The President's Future.

First—The action to be taken by the State convention as to President Roosevelt's political future.

Second—The trust plank to be adopted.

Third—The plank in the convention concerning reciprocity with Cuba.

The conference lasted until long after dark. When it broke up there was more or less reticence on the part of those who had participated in this important gathering.

Senator Platt announced that Colonel Dunn was authorized to speak for publication. Colonel Dunn said:

"The President and his administration are to be most heartily indorsed, and the convention without doubt will say that the President should be re-elected by the voters in 1904. The convention will not neglect to say the kindest words for the President's political future. Of this there can be no mistake whatever, and all Republicans in the State of New York will agree with our attitude in this matter."

Nothing on Other Planks.

Colonel Dunn would not say a word as to the deliberations of the conference on either the trust or reciprocity planks to be adopted at Saratoga.

Concerning the trust plank to be presented to the Saratoga convention, it was said that Edward Lauterbach has

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## CONFERENCE RESULT VEILED IN MYSTERY

Belief General That Operators Will Not Retreat.

BOTH SIDES KEEP SILENT

Strike Enters Upon a New Phase Tomorrow—Week of Violence Looked for as a Result of the Situation—Operators Show Activity.

WILKESBARRE, Pa., Sept. 13.—Mr. Mitchell got back to his headquarters here from Harrisburg about 10 o'clock this morning, and all day long has resolutely refused to discuss the interview which he had there with the governor.

Whether correctly or incorrectly, people here are now disposed to believe that the conference was without result, and that beyond a melancholy restatement of the fact that all efforts of the politicians have failed to budge the operators from the position they took at the beginning of the strike, the mysterious gathering in the executive mansion ended in talk. Certainly there have been no movements about strike headquarters today to indicate that something unusual was on foot. The atmosphere there was distinctly gloomy.

The Operators Active.

Among the representatives of all the big coal companies and of the Citizens' Alliance, on the other hand, there was a decided stir. Reports had been coming in from all directions that preparations were under way for a concerted outbreak of violence all along the line on Monday morning. This had come to the ears not only of the local managers of the coal companies, but to those of Mr. Cassidy as well. Mr. Cassidy being the active leader of the Citizens' Alliance, in the absence of J. Ridgeway Wright, there was conference. Between Mr. Cassidy and representatives of the companies whose employees and properties, according to persistent reports, were threatened.

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## SHERIFF HOLDS JAIL IN FACE OF FRENZIED MOB

COAL MINE STRIKERS AIDED BY INJUNCTION

Restraint Order Issued by Judge Cochran Opens Way to Secure Provisions.

CINCINNATI, Sept. 13.—At Maysville, Ky., yesterday afternoon United States Judge Cochran of the eastern division of the Kentucky district of the Federal court, attached his signature to a temporary injunction against the Chesapeake and Ohio Railway Company.

This means much to the West Virginia miners of the district about Montgomery, Glen Jean, Sewell, and Mount Hope, as it opens the way for them to secure all the provisions they need and thus insures them another footing where their present stand was threatened by famine.

The injunction was the outcome of a suit filed yesterday in the United States court at Covington, Ky., by Attorney E. C. Pyle, of this city, for George A. Shaw and Harry R. Irwin, who comprise the wholesale grocery firm of Shaw, Irwin & Co. It was claimed that the Chesapeake and Ohio road has delayed the shipment of provisions by Shaw, Irwin & Co. to the striking miners in West Virginia.

Butler, Pa., Scene of Tumult

Through Thirst for Life of Assaultant Little Girl—Residence Portion of Prison Wrecked—Shots Hold Rioters at Bay—Call for Troops.

BUTLER, Pa., Sept. 13.—Jerry Bennett, a young man, twenty-six years old, attempted to assault the seven-year-old daughter of John M. Wagner, a tailor, near the West Pennsylvania Railroad station tonight. The child was crying "Mamma! mamma!" when rescued from her assailant.

A crowd quickly gathered around Bennett and his captors, and yells of "lynch him!" were raised at once, but Police Constable Kempfer, Graff, and Shultz appeared just in time to save the man, and hustled him into a passing trolley car. A mad rush in pursuit of the car ensued and ended at the jail.

The officers got their man behind the bars before the mob arrived. At 11:10 o'clock the mob secured a heavy 6 by 6 timber, fourteen feet in length, and with it as a battering ram, pushed open the double doors of the jail leading into the residence of Sheriff Thomas Hoon.

Doors Battered Down.

Sheriff Hoon and two policemen who were standing guard on the steps in front of the door were swept aside. As the doors went down the Rev. Thomas Barlow, of St. Peter's Episcopal Church, sprang upon the steps in front of the broken door. Every instant rocks and clubs crashed in, hurling splinters and glass about. The preacher pushed back two of the foremost rioters, held up his hands and attempted to wave the crowd back and speak to them. It was useless. His words were lost in the pandemonium.

The mob made a rush and the Rev. Mr. Barlow was carried with them into the corridor of the jail. Deputy Sheriff Rainey Hoon sprang forward from the sheriff's parlor adjoining the corridor, seized a piece of broken door and knocked down several men, temporarily forcing the frenzied mob to retire to the steps.

In response another rush occurred and the deputy was driven to seek cover. He was struck several times by clubs and stones, but his injuries are not more than scratches.

Shots Cause a Retreat.

Lewis Heller, who had been specially deputized by the sheriff, sprang into the hall to aid the deputy and was struck in the face by a large board thrown from the street. A gas was cut in his chin. An instant later five shots rang out from the interior of the sheriff's apartments and the rioters retreated to the outside of the jail. The door that was battered down is the door of the sheriff's residence.

A dozen men are in the jail with Sheriff Hoon, all armed with revolvers. They are amply able to hold the mob in check. The dwelling part of the jail is a complete wreck, and much of Sheriff Hoon's furniture has been destroyed. One door of sheet steel and three of heavy steel bars separate the mob from the cell room. At midnight the mob was quiet.

The lights in the jail are all out. Inside, the officers stand, revolvers in hand, and no one dares approach. While the battering ram was being used Burgess Isaac G. Smith called on Capt. James McKee, of Company L, Sixteenth Regiment, National Guard of Pennsylvania, to bring out his soldiers to the sheriff's support, but Sheriff Hoon already had the mob cowed by shooting.

Here to Arrange for President's Western Trip.

No News to Give Out Concerning Vacant District Commissionership—Appointment Still Hangs Fire.

Secretary Cortelyou returned to Washington last night from Oyster Bay, and will remain here for two or three days. He brought with him no information, for publication at least, concerning the District Commissionership, other than that the matter is still under consideration by the President.

There is good reason to believe, however, that if a certain minor detail in connection with the appointment is cleared up within the next few days, the announcement of Commissioner Rosa's successor will be made before the President leaves Friday on his Western trip. Otherwise the vacancy will continue for several weeks longer.

The importance of filling the position has been presented to the President and he is anxious to have the matter off his hands. There has been such a contest for the vacancy that the President will be pleased to be rid of it.

To Arrange Western Tour.

The only purpose of Secretary Cortelyou's return to Washington at this time is to make the arrangements for the President's Western trip. This matter will occupy his entire attention during the time he is here, and those who call at the temporary White House upon other business will be obliged to transact it with other officials.

Mr. Cortelyou will confer with the railroad officials here in regard to the itinerary. There are a number of details of the trip which must necessarily be deferred until just before the President departs, and in consequence the itinerary will not be made public until Mr. Cortelyou returns to Oyster Bay.

## REBEL FORCES MARCH ONWARD TO ATTACK THE TOWN OF COLON

LONDON HOTEL BARS OUT JOHN W. GATES

Claridge's, an Exclusive Establishment, Puts Millionaire Down as "Undesirable."

CHICAGO, Sept. 13.—The "Evening News" here today printed a cable dispatch from London, saying:

"Claridge's Hotel, the home of European and Oriental royalty, of British aristocracy, and American millionaires has barred the doors of its establishment in Brook Street against John W. Gates. In the summer of 1900, when plunging on the English race courses, Gates' habits were of such a character as to induce the management of Claridge's to enter him upon its permanent list of undesirables."

"Upon his arrival in London this week Mr. Gates found that he could not engage his former extensive suite in Claridge's, and was compelled to take rooms at the more hospitable and less particular Carlton Hotel, in Pall Mall."

"The manager of Claridge's said: 'A few weeks ago some one showed us an editorial article in a Chicago newspaper describing Mr. Gates as the most vulgar of American millionaires. The writer must have overheard the remark in our hotel, for that was the name Mr. Gates earned for himself here.'

"After a few months' experience of his style of living, we were compelled to intimate to him that profane language and reckless expropriation in an English hotel frequented by well-bred people was intolerable, even in a man able to write checks of eight figures and lose a fortune daily in stocks, horses and cards."

"Gates' presence was really more objectionable to his countrymen than to anyone else."

United States Consul Malmros Reports a Bloody Battle With Government Troops Imminent and Matters Very Serious.

GATES CONFERS WITH ENGLISH FINANCIERS

Leaves London Today for Aix-les-Bains, Where He Will Meet Mr. Schwab.

LONDON, Sept. 13.—J. W. Gates had a conference this afternoon with a number of English financiers.

He will leave tomorrow for Aix-les-Bains, where he expects to meet Charles M. Schwab, president of the American Steel Corporation.

Mr. Gates will take a new eighteen horse power automobile with him.

AMERICAN OFFICERS DEPART FROM BERLIN

Generals Pleased With Their Entertainment During the German Army Maneuvers.

BERLIN, Sept. 13.—Brigadier General Wood left here for Dresden today. Major General Corbin and Major General Young went to Dusseldorf to see the exhibition.

All the American army officers are highly pleased with their visit and the way they were entertained during the army maneuvers at Frankfurt-on-the-Oder.

RAILWAY PASS MUST BE KEPT OPEN

Battleship Oregon Ordered to Be Placed in Readiness.

TO MEET ANY EMERGENCY

U. S. S. Panther Expected to Leave League Island Navy Yard Tomorrow With Battalion of 325 Marines Bound for Panama.

United States Consul Oscar Malmros at Colon telegraphed the State Department that the Colombian insurgent troops were advancing on the city, and he doubts if the government forces will be able to keep open the transit across the isthmus. He regards the situation as serious.

The dispatch was sent to Secretary Moody and was cabled to Colon for delivery to Captain McLean, on the arrival there of the Cincinnati, together with instructions to Captain McLean to land what marines he has.

Minister Herrera received at the Colombian legation last night a dispatch from his government, dated at Bogota, September 11, saying that the remaining insurgents in that vicinity have surrendered and that the interior of the country is entirely pacified. The dispatch adds that a large army is on the way to Panama to meet the revolutionists there, and that an engagement will soon take place.

Minister Herrera believes that there will be no necessity for the landing of a large force of marines, as the revolutionists are merely making a last stand before the government troops.

To Meet an Emergency.

With a view to meeting any emergency that may arise, orders were issued yesterday by the Navy Department that the battleship Oregon, at the Bremerton yard, be put in readiness for sea with a view to sending her to San Francisco and thence to the isthmus, if necessary. The actual sailing orders were not sent, but the department intends, if the necessity arises, that the ship shall get away without loss of time.

The U. S. S. Panther is expected to leave the League Island Navy Yard, Philadelphia, on tomorrow, with a battalion of 325 marines for Colon, on the isthmus of Panama.

It is the intention of this Government to keep a warship at both Colon and Panama to prevent the possible bombardment of those towns. By sending the additional force of marines on the Panther the United States will have a sufficient force at the scene of disturbance to keep the transit across the isthmus open and to maintain law and order in both Colon and Panama.

Will Have Work to Do.

If, upon the arrival of the Panther, it is found that the marines are not needed, orders will be issued sending them to the island of Culebra, to take part in the winter naval maneuvers.

The battalion is composed of 17 officers and 325 enlisted men, organized as follows:

Lieut. Col. B. R. Russell, commanding; Major George Barnett, major; Capt. W. B. Lemly, quartermaster; First Lieut. J. W. Brown, adjutant; Passed Assistant Surgeon Carl D. Brownell, surgeon.

Company A—Capt. Dillon Williams, First Lieut. A. S. Williams, Second Lieut. E. T. Frer.

Company B—Capt. M. J. Shaw, First Lieut. A. F. Harding, Second Lieut. D. W. Wake.

Company C—Capt. D. D. Porter, First Lieut. B. F. Rittenhouse, Second Lieut. F. W. Powers.

Company D—Capt. A. T. Marx, First Lieut. L. B. Purcell, Second Lieut. P. M. Rixey.

REVENUE OFFICERS AND MOONSHINERS IN BATTLE